

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: Joshua W. Semon
Debtor

U.S. Bank Trust National Association, not in its
individual capacity, but solely as Trustee of LSF9
Master Participation Trust, or its Successor or
Assignee

Movant

vs.

Joshua W. Semon
Jack N Zaharopoulos
Respondent(s)

Chapter 13

Bankruptcy No. 22-01456-hwv

MOTION FOR RELIEF FROM AUTOMATIC STAY

Movant: U.S. Bank Trust National Association, not in its individual capacity, but solely as Trustee of LSF9 Master Participation Trust, or its Successor or Assignee

Mortgage dated July 8, 2013 and recorded on July 12, 2013 in the Office of the Recorder of York County in Mortgage Book 2240 Page 7314.

Assignment of Mortgage dated January 21, 2015 and recorded on February 27, 2015 in the Office of the Recorder of York County, Pennsylvania in Mortgage Book 2310 Page 7402 Instrument Number: 2015007995.

Assignment of Mortgage dated January 21, 2015 and recorded on February 27, 2015 in the Office of the Recorder of York County, Pennsylvania in Mortgage Book 2310 Page 7411 Instrument Number: 2015007997.

Assignment of Mortgage dated August 16, 2021 and recorded on November 15, 2021 in the Office of the Recorder of York County, Pennsylvania in Mortgage Book 2692 Page 8860 Instrument Number: 2021071054.

1. U.S. Bank Trust National Association, not in its individual capacity, but solely as Trustee of LSF9 Master Participation Trust, or its Successor or Assignee (hereinafter "Movant") holds a claim secured by a duly recorded Mortgage on property of Joshua W. Semon, or of the bankruptcy estate located at: 113 Brant Drive, Dallastown, Pennsylvania 17313.

2. Joshua W. Semon (hereinafter "Debtor") filed a Petition under Chapter 13 on August 8, 2022.

3. As of February 22, 2024, the principal balance on the Mortgage is \$196,196.59, plus interest to the date of payment and reimbursement of all reasonable fees and costs incurred to date of payment.

4. Movant's lien is a first priority lien against the Property.

5. As of February 22, 2024, Movant holds an approximate payoff at \$275,391.34.

6. Movant had listed the property for Sheriff's Sale prior to the filing of the current bankruptcy petition.

7. As of February 22, 2024, the Mortgage requires payments each month of \$1,349.78.

8. Debtor has failed to make all of the monthly post-petition mortgage payments as required and the account is currently due 13 months post-petition. The payments can be broken down as follows:

- Nine (9) delinquent payments at \$1,320.87 each for February 1, 2023 through October 1, 2023.

- Four (4) delinquent payments at \$1,349.78 each for November 1, 2023 through February 1, 2024.

9. Since February 22, 2024, Movant has incurred attorney's fees in the amount of \$1,050.00 and costs in the amount of \$199.00 in connection with this Motion.

10. Movant does not have and has not been offered adequate protection for its interest in the said premises and may be required to pay expenses for the said premises in order to preserve its lien, which is the obligation of the Debtor under the said Mortgage.

WHEREFORE, Movant prays for an order modifying the automatic stay of Bankruptcy Code ' 362(a) to permit Movant to foreclose its Mortgage and to exercise any other rights it has under the Mortgage or with respect to the mortgaged property.

/s/ Marisa Myers Cohen

MARISA MYERS COHEN, ESQUIRE ID #87830

ANDREW M. LUBIN, ESQUIRE ID # 54297

Attorney for U.S. Bank Trust National Association, not in its individual capacity, but solely as Trustee of LSF9 Master Participation Trust

1420 Walnut Street, Suite 1501

Philadelphia, PA 19102

Telephone: (215) 790-1010

Facsimile: (215) 790-1274

Email: ecfmail@mwc-law.com